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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 3.11.2006.

Kuldeep Singh ....Petitioner.

vs

Gurjeet Singh and another .....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.S.S.Dinarpur,Advocate,for the petitioner.

Kiran Anand Lall, J.

The executing court dismissed the objections filed by the petitioner-herein (judgment-debtor no.2) vide order dated 17.5.2006, on the ground that the pleas contained in the objections had already been dealt with and answered, in the appeal filed against the judgment and decree of the trial court.

The petitioner challenged the order of the executing court, in appeal. The court of Additional District Judge dismissed the appeal, on the ground that no appeal was maintainable against the order passed by the court executing the decree under Section 47 of the Code of Civil Procedure vide order dated 18.8.2006. The petitioner, thereafter, filed the present revision.

However, when the petition came up for hearing today, learned counsel was not in a position to assail the orders of the executing court and the appellate court, on any score.

Since all the pleas forming part of the objections had already been dealt with and answered in the appeal filed against the judgment and decree of the trial court, the executing court rightly disallowed the petitioner

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to raise the same, during execution. In so far as the order dated 18.8.2006 (supra) is concerned, learned counsel fairly conceded that no appeal was maintainable against the order of the executing court.

The petition shall, accordingly, stand dismissed, in limine.

3.11.2006. (Kiran Anand Lall)
vs. Judge.